

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1213

AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 22-8-1.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, unless otherwise provided:

"Board" means the board of safety review created by this chapter.

"Bureau" means the safety education and training bureau created by ~~this chapter~~.

"Commission" means the occupational safety standards commission created by this chapter.

"Commissioner" means the commissioner of labor or ~~his~~ **the commissioner's** duly designated representative.

"Department" means the department of labor.

"Employee" means a person permitted to work by an employer in employment.

"Employer" means any individual or type of organization, including the state and all its political subdivisions, that has in its employ one (1) or more individuals.

"INSafe" means the division of the department created by section 40 of this chapter.

"Safety order" refers to a notice issued to employers by the commissioner of labor for alleged violations of this chapter, including any health and safety standards.

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"Standard" refers to both health and safety standards.

"Voluntary protection program" means a program offered by the United States Occupational Safety and Health Administration to employers subject to this chapter that exempts the employers from general scheduled inspections.

SECTION 2. IC 22-8-1.1-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40. A ~~safety education and training bureau is created within~~ **division of the department to be known as INSafe is created** to implement a program of occupational health and safety education and training.

SECTION 3. IC 22-8-1.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 41. The duties of ~~the bureau~~ **INSafe** shall include, but not be limited to, the following:

- (~~a~~) **(1)** Development of a statewide health and safety education and training program to acquaint employers, supervisors, employees, and union leaders with the most modern and effective techniques of accident investigation and prevention.
- (~~b~~) **(2)** Development and promotion of the consultative educational approach as a desirable and effective long range solution to occupational health and safety problems.
- (~~c~~) **(3)** Development of training programs for occupational health and safety personnel.
- (~~d~~) **(4)** Planning, organizing, and attending occupational health and safety seminars, conferences, and meetings designed for management, supervisory personnel, employees, and union representatives.
- (~~e~~) **(5)** Definition and establishment of necessary research projects.
- (~~f~~) **(6)** Arrangement and procurement of necessary contractual services and training aids.
- (~~g~~) **(7)** Planning, developing, organizing, attending, and presenting specific occupational health and safety programs for employer groups.
- (~~h~~) **(8)** Conducting onsite consultations upon request from an employer. Onsite consultation shall be defined by ~~the bureau~~ **INSafe** by rule under IC 4-22-2.
- (~~i~~) **(9)** Providing occupational health and safety pamphlets, booklets, brochures, and other appropriate health and safety media.

SECTION 4. IC 22-8-1.1-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. The director and staff of ~~the bureau~~ **INSafe** shall be selected and appointed by the

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commissioner under the provisions of IC 4-15-2.

SECTION 5. IC 22-8-1.1-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 43. ~~(Bureau: Employer annual report)~~ (a) To insure the availability of accurate, timely statistical data concerning occupational health and safety, all employers having one (1) or more employees simultaneously employed shall submit annual reports to ~~the bureau~~ **INSafe** (on a form and in a manner prescribed by the director) of all disabling work injuries.

(b) ~~The bureau~~ **INSafe** may exempt from the requirement of subsection (a) those classes of employers for whose operations adequate records of safety experience are already available. ~~The bureau~~ **INSafe** may also exempt any employer when, in the judgment of the director, the submission of annual reports by the employer is not necessary to carry out the purposes of this chapter and would be an undue burden upon the employer because of size, the nature of its operation or other special circumstances.

SECTION 6. IC 22-8-1.1-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48. (a) The tax shall be paid directly to the director who shall deposit the revenues in a special fund to be used solely for ~~the safety and health programs~~ **consultation, education, and training services** for employer groups and for onsite consultation service as provided in section ~~41(g) and 41(h)~~ **41** of this chapter. These revenues shall not be transferable to any other fund and shall not revert to the general fund at the end of any fiscal year.

(b) Tax revenues as provided for in section 47 of this chapter shall be made available to ~~the bureau~~ **INSafe** only by appropriation of the general assembly based upon the needs of ~~the bureau~~ **INSafe** as determined by the department and submitted in the form of a budget in the manner provided by law.

(c) The annual tax payment is due and payable on or before April 10 of each year in which the tax is imposed.

SECTION 7. IC 22-8-1.1-48.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48.1. The commissioner of labor, the occupational safety standards commission, the board of safety review, and ~~the bureau of safety education and training~~ **INSafe** shall have the power to make rules governing functions under this chapter, provided such rules shall not be inconsistent with this chapter or other applicable statutes.

SECTION 8. IC 22-8-1.1-48.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48.4. (a) All information reported to or otherwise obtained by the commissioner, ~~his~~ **the designated representatives of the commissioner**, the department

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of labor, the occupational safety standards commission, the board of safety review, ~~the bureau of safety education and training~~, **INSafe**, and the agents and employees of any of them that contains or might reveal a trade secret, shall be considered confidential and shall be disclosed only to such other officers or employees concerned with the functions set forth in this chapter as may be necessary for them to discharge their duties under this chapter. In any proceeding, the commissioner, the commission, the board, or a court shall issue such orders as may be appropriate, including the impoundment of files, or portions of files, to protect the confidentiality of trade secrets.

(b) No person may violate the confidentiality of trade secrets.

SECTION 9. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "INSafe" refers to the division of the department of labor described in IC 22-8-1.1-40, as amended by this act.

(b) The unencumbered and unallocated part of the appropriation made by P.L.234-2007, SECTION 4, to the Department of Labor, Bureau of Safety Education and Training for the state fiscal year beginning July 1, 2008, is transferred to INSafe.

(c) The following restrictions on the appropriation imposed upon the Bureau of Safety Education and Training by P.L.234-2007, SECTION 4, do not apply to INSafe:

(1) Federal cost reimbursements for expenses attributable to the Bureau of Safety Education and Training appropriations shall be deposited into the special fund for safety and health consultation services.

(2) The above appropriations for the Bureau of Safety Education and Training shall not be used to compete with consultation services provided by legitimate engineering firms, insurance companies, or professional consultants. The Bureau of Safety Education and Training shall limit training activities to private companies for which it has conducted an on-site consultation and shall limit training to only direct employees at that site.

(d) The following conditions apply to the appropriation made to the Bureau of Safety Education and Training by P.L.234-2007, SECTION 4, as transferred to INSafe by this act:

(1) Federal cost reimbursements for expenses attributable to the INSafe appropriations shall be deposited into the special fund for safety and health consultation, education, and training services.

(2) The mission of INSafe is to provide safety and health

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education, consultation, and training service without unnecessarily competing with private sector entities that may provide similar services.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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